



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

July 11, 2023

2307-VS-16

Exhibit 1

**Petition Number:** 2307-VS-16

**Subject Site Address:** 1415 East 191<sup>st</sup> Street ("the Property")

**Petitioner:** Trinity Baptist Church ("the Petitioner")

**Representative:** Andy Wheeler ("the Representative")

**Request:** Variance of Development Standard to encroach into the Front Yard Minimum Building Setback Line along 191<sup>st</sup> St. and Chad Hittle Dr. to allow for an expansion of the existing building located on 9.40 acres +/- in the Agriculture / Single-family Rural District. *Article 4.2(E)(1)(a)*

**Current Zoning:** AG-SF1 (Agriculture / Single-family Rural District)

**Current Land Use:** Religious Institution

**Approximate Acreage:** 9.40 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Site Plan
4. Application

**Staff Reviewer:** Weston Rogers, Associate Planner

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**OVERVIEW**

**Location:** The subject Property is 9.40 acres +/- in size (the "Property") and is located at 1415 East 191<sup>st</sup> Street (see **Exhibit 2**). The Property includes an existing Religious Institution building (roughly 15,000 square feet in size), parking lot, playground, and Accessory Building.

The Property is currently zoned AG-SF1 – Agriculture / Single-family Rural District. The adjacent property to the north is zoned "Chatham Commons PUD"; to the east is zoned "Hahn Plaza PUD"; to the south is zoned "Links PUD" – all of which primarily consist of existing and/or future commercial uses. The property to the east is zoned Agriculture / Single-family Rural District with residential uses.

**Property History:** The original Religious Institution building was constructed on the Property in 1986 under permit number 86-IP-134. In 2008 the building was expanded upon under permit no. 08-CAD-012-100. In 2018, the Property dedicated approximately .89 acres of right-of-way for the expansion of both 191<sup>st</sup> Street and Chad Hittle Drive.

**Requested Variances:** The Petitioner is requesting a Variance of Development Standard to encroach into the Front Yard Minimum Building Setback Line along 191<sup>st</sup> Street and Chad Hittle Drive to allow for an expansion of the existing Religious Institution building. *Article 4.2(E)(1)(a)*



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### **SUMMARY OF VARIANCE**

Per Article 4.2(E)(1)(a) – AG-SF1 zoned properties have a Front Yard Minimum Building Setback Line of one-hundred (100) feet along Expressways and Arterial streets. Both 191<sup>st</sup> Street and Chad Hittle Drive are defined as Arterial roadways per the Thoroughfare Plan.

The Petitioner is requesting a Variance of Development Standard to encroach into the Front Yard Minimum Building Setback Line for the future development of an expansion to the existing Religious Institution building located on the Property.

- Along 191<sup>st</sup> Street the Petitioner is requesting to encroach twenty (20) feet into the Front Yard Minimum Building Setback Line of one-hundred (100) feet.
- Along Chad Hittle Drive the Petitioner is requesting to encroach eighty (80) feet into the Front Yard Minimum Building Setback Line of one-hundred (100) feet.

See **Exhibit 3** “Site Plan” for a graphic representation of the requested encroachment into the Front yard of 191<sup>st</sup> Street and Chad Hittle Drive.

The Westfield Department of Public Works has reviewed this proposal and has no objections to the requested variance of development standard.

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### **CONTEXT**

The Property is located within an area of the City that has seen a transition of land uses from primarily agriculture and single-family land uses to mix of primarily commercial land uses over the past several years. Given this context of the Property, the below information is provided to assist in further understanding the existing development patterns neighboring the site, specifically in regards to Building Setback Lines associated with neighboring development parcels:

North of the Property – Chatham Commons PUD

- Underlying Zoning – General Business (GB)
- Building Setback Lines – Front Yard: 30 feet; Side Yard and Rear Yard: 0 feet

East of the Property – Hahn Plaza PUD

- Underlying Zoning – General Business (GB)
- Building Setback Lines – Front Yard: 30 feet; Side Yard and Rear Yard: 0 feet

South of the Property – Links PUD

- Underlying Zoning – Local and Neighborhood Business District (LB)
- Building Setback Lines – Front Yard: 30 feet; Side Yard: 15 feet (60 feet if adjacent to residential)  
Rear Yard: 20 feet (60 feet if adjacent to residential)



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West of the Property – straight zoned AG-SF1

- Building Setback Lines – Front Yard: 100 feet (if adjacent to expressways / Arterials) and 80 feet (adjacent to all other streets); Side Yard and Rear Yard: 30 feet

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**PROCEDURAL**

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the July 11, 2023 Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO<sup>1</sup> and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO<sup>2</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject Property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the Property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property.

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<sup>1</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>2</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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**DEPARTMENT COMMENTS:**

**Approval:** If the Board finds that adequate evidence is shown that the Variances of Development Standard meet the applicable review criteria, then the Department recommends approval of the Variance of Development Standard 2307-VS-16, with the recommended conditions and findings as set forth below:

**Recommended Conditions of Approval:**

1. That the site shall be developed in substantial compliance with the Site Plan **Exhibit 3**;
2. That the approval of this Variance shall be tied to the land use of a Religious Institution on the Property; and
3. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

**Recommended Findings for Approval:**

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the AG-SF1: Agriculture/Single-Family Rural District.

- 2) *The use and value of the area adjacent to the Property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property:*

**Finding:** Strict adherence to the zoning ordinance would result in the inability to for the Petitioner to expand the existing Religious Institution Building on the Property to the extent requested along 191<sup>st</sup> Street and Chad Hittle Drive.

**Denial:** If the Board is inclined to deny the requested variances, then the Department recommends denying the variances, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.